

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN DIANE RICE**, on March 11, 2005 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Robyn Driscoll (D)
Rep. George Everett (R)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Roger Koopman (R)
Rep. Michael Lange (R)
Rep. Tom McGillvray (R)
Rep. Mark E. Noennig (R)
Rep. Art Noonan (D)
Rep. John Parker (D)
Rep. Jon Sonju (R)
Rep. John Ward (R)
Rep. Bill Wilson (D)
Rep. Jeanne Windham (D)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 200, 279, 43, 114, 264, 3/4/2005
Executive Action: None

HEARING ON SB 43

Sponsor: SEN. MIKE COONEY, SD 40, HELENA

Opening Statement by Sponsor:

SEN. MIKE COONEY (D), SD 40, opened the hearing on **SB 43**, Seatbelt violation as primary offense. **SEN. COONEY** spoke to the committee about the 79% usage rate currently in Montana. The majority of citizens who wear seatbelts are women who live in cities. The category that do not wear seatbelts are rural young men and who drive pick-ups.

The SENATOR continued to speak to the committee about the amount of money that is incurred for each person not wearing a seatbelt who is involved in a car accident. The amount is approximately \$1 million due to loss of productivity, loss of health insurance, loss of property, etc. And it is not the deaths that cost the most; it is about the people who are seriously injured and can't work, etc.

EXHIBIT(juh54a01)

EXHIBIT(juh54a02)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 146}

Proponents' Testimony:

SEN. RICK LAIBLE, SD 44, VICTOR, rose in support of SB 43. He related to the committee about the costs both in dollars and in the families emotional costs when a loved one is involved in a automobile accident.

{Tape: 1; Side: A; Approx. Time Counter: 146 - 195}

Mike McGrath, Attorney General, rose in support of SB 43. He stated, "Montana is 50th in the nation for fatalities for miles driven, Montana received an "F" from Mothers Against Drunk Driving and the National Traffic Safety Board (NTSB) ranks Montana at the bottom for fatalities."

Mr. McGrath continued to speak to the committee about the statistics of people who are fatally injured due to not being restrained by a seatbelt. The committee also received information regarding the usage rates in various other states.

EXHIBIT(juh54a03)

{Tape: 1; Side: A; Approx. Time Counter: 195 - 291}

Paul Grimstad, Colonel, Montana Highway Patrol (MHP), rose in support and testified that the patrolman would enforce SB 43 on "routine traffic patrol stops and 'may' give warnings."

{Tape: 1; Side: A; Approx. Time Counter: 291 - 300}

Jim Lynch, director, Montana Department of Transportation, stood in support of SB 43. He stated that since the Legislature started, there have been 33 deaths on Montana highways, with 23 of those deaths where no seatbelt was used. **Mr. Lynch** continued to speak about the Federal money that may be lost, but stated, "this is not about the heavy arm of the Federal Government."
{Tape: 1; Side: A; Approx. Time Counter: 300 - 441}

Ray Kuntz, Watkins-Shepard Trucking, American Trucking Association, rose in strong support of SB 43 and proceeded to explain to the committee about the impact that non-usage of seatbelts has on the trucking industry.

He stated that the drivers from Watkins-Shepard "run" approximately eight million miles on Montana highways and that the company has a \$12 million payroll.

[EXHIBIT\(juh54a04\)](#)

{Tape: 1; Side: A; Approx. Time Counter: 441 - 500}

Barry "Spook" Stang, Montana Motor Carriers Association, spoke in support of SB 43. **Mr. Stang** also spoke for Webb Brown, Montana Chamber of Commerce, who is also in support of SB 43. **Mr. Stang** stated that for every Montanan; the cost is \$668 per year to pay for the accidents that occur on Montana highways.

[EXHIBIT\(juh54a05\)](#)

{Tape: 1; Side: B; Approx. Time Counter: 0 - 97}

Dr. Robert Hurd, surgeon, Billings, rose in support of SB 43 and spoke to the committee that while working in the Emergency Rooms Trauma Centers, "[he] has seen too much of the damage that is caused by people who do not wear seatbelts."

{Tape: 1; Side: B; Approx. Time Counter: 97 - 134}

Bill Muhs, Mothers Against Drunk Driving (MADD), rose in support of SB 43.

[EXHIBIT\(juh54a06\)](#)

{Tape: 1; Side: B; Approx. Time Counter: 134 - 160}

Nanette Smith, Montana Sheriffs and Peace Officers Association, Montana County Attorneys Association, rose in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 160 - 167}

Mona Jamison, General Motors, stood in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 167 - 173}

Marilyn Olson, Montana Auto Dealers Association, stood in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 173 - 176}

Bruce Spencer, Montana Auto Dealers Association, rose in support of SB 43 and spoke for **Jacqueline Lenmark-American Insurance Association, Frank Cote, Dwight Easton-Farmers Insurance Company, Larry Kibbee-Property Casualty Insurance, Roger McGlenn-Independent Insurance Association of Montana**, who are in all in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 176 - 187}

Kris Minard, self, rose in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 187 - 193}

Aimee Grmoljez, Association of Montana Highway Patrolmen, rose in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 193 - 200}

Pat Melby, Montana Medical Association, rose in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 200 - 206}

Dennis Harris, Montana Chapter, American Automobile Association, rose in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 206 - 209}

Jim Ahrens, Montana Hospital Association, rose in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 209 - 215}

Jani McCall, Deaconess Billings Clinic, rose in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 215 - 218}

Al Smith, Montana Trial Lawyers Association, rose in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 218 - 222}

Steve Yeakel, Montana Maternal and Child Health Association, rose in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 222 - 229}

Jim Kembel, Montana Chiefs of Police, rose in support of SB 43.

{Tape: 1; Side: B; Approx. Time Counter: 229 - 234}

Opponents' Testimony:

Steven White, self, rose in opposition to SB 43 and stated that he is not against seatbelts; what his opposition is about is that SB 43 would allow the MHP to pull over vehicles for only that reason. He concluded his testimony by stating, "You cannot legislate intelligence."

EXHIBIT (juh54a07)

{Tape: 1; Side: B; Approx. Time Counter: 234 - 363}

Becky Stockton, self, spoke to the various types of injuries that may be sustained by wearing seatbelts; and that this bill will create a "Gestapo State." **Ms. Stockton** continued with her remarks and said that this is a "free country and a free choice."

[EXHIBIT\(juh54a08\)](#)

[EXHIBIT\(juh54a09\)](#)

[EXHIBIT\(juh54a10\)](#)

{Tape: 1; Side: B; Approx. Time Counter: 363 - 500}

Mike Fellows, Montana Libertarian Party, spoke in opposition to SB 43 and stated that Montana already has a seatbelt law and that it is working. He stated, "...this bill is about the money...."

[EXHIBIT\(juh54a11\)](#)

[EXHIBIT\(juh54a12\)](#)

[EXHIBIT\(juh54a13\)](#)

{Tape: 2; Side: A; Approx. Time Counter: 0 - 59}

Informational Testimony: None

Questions from Committee Members and Responses:

REP. LANGE began his discussion with Col. Grimstad. The REPRESENTATIVE stated, "I am very mad and this makes my blood boil when I hear you say that MHP is going to issue warning tickets for one year...." Further, "...this is in contradiction to what the Legislature is telling you to do." **Col. Grimstad** replied that this is to acclimate the public and not to "hammer" on people.

REP. LANGE continued by saying the MHP does what the Legislature tells them to do and what about other laws and the enforcement of those laws. **Col Grimstad** continued with his response that the MHP wants to educate the public before the enforcement and that there will be discretion as to the issuance of tickets. They continued to discuss the enforcement issue and the MHP position on the matter.

REP. KOOPMAN began his questioning of Mr. Lynch with regard to the conflicting statements made in reference to the statistics of usage that he provided to the committee. They continued their conversation regarding personal freedoms and restrictions.

REP. KOOPMAN then questioned Mr. Fellows about what the role of government is. **Mr. Fellows** replied, "...it is not to harm...."

REP. NOONAN called upon the sponsor to explain and comment on the statistics that the proponents presented.

REP. GUTSCHE referred to Mr. McGrath about the statistic that 71% of drivers use their seatbelts and 53.9% of the passengers use their seatbelts, why the difference. **Mr. McGrath** stated that he did not know why but could assume that there is no criminal penalty for the non-use of seatbelts for the passenger.

REP. CLARK began his questions of Col. Grimstad regarding the primary offense of not wearing a seatbelt and what criteria will be in place before the officer may stop the vehicle. **Col. Grimstad** stated that it will up to the officer to use their common sense and at the officer's discretion to issue violations.

REP. CLARK then queried SEN. COONEY about the amount of money that Montana spends in advertising regarding the usage of seatbelts. **SEN. COONEY** replied that the Federal Government funds the Traffic Safety Budget at approximately \$400,000. If there were a primary seatbelt law, and if the usage were 90% or more, that amount would be multiplied five times. Therefore, the amount received would be \$1 million.

They continued their discussion regarding the usage of seatbelts and if there has been an increase of usage.

REP. CLARK then spoke with Dr. Hurd about the trauma care that the doctor is involved with doing.

REP. CLARK posed this question to Mr. Spencer: "If SB 43 were to pass, how much would the average insurance bill decrease?" **Mr. Spencer** replied, that he did not know for sure. At that point, **REP. CLARK**, in frustration, stated, "I have never heard insurance companies say that insurance will decrease; they [insurance companies] must be held accountable."

REP. RICE spoke with Attorney General McGrath regarding the enforcement issue. **Mr. McGrath** replied, "...the officers are trained to see if someone is just putting it on as they approach [the car] and that the most important part of the bill is that the people comply with the law..."

Mr. McGrath further stated, "...that Montana is not trying to increase the amount of tickets written; [we] are trying to increase the compliance that will save lives...."

REP. HARRIS discussed with Dr. Hurd the amount of money that is spent on the average person ejected from an automobile in an accident, such as the man Dr. Hurd referred in his previous testimony. **Dr. Hurd** replied that it would be approximately \$1-2 million.

REP. HARRIS continued his questions by speaking with Mr. Fellows about the amount of money that is expended on people who are in accidents, and usually have no insurance and their costs must be paid by society. **Mr. Fellows** replied that in a "perfect libertarian world, the costs would be borne by all." However, **Mr. Fellows** stated, "...people should be responsible for themselves and should have the money in an account to pay for accident costs [if they choose not to wear a seatbelt.]"

REP. MCGILLVRAY questioned Mr. Kuntz about the trucking companies and the insurance costs that the trucking company incurs. **Mr. Kuntz** replied, "I can't tell you the costs will decrease, but I can damn well guarantee the costs will never go down if there are no changes." He continued with his response and stated, "...it is an insult to sit here and be asked stupid questions; anyone with a second grade education can figure this out."

{Tape: 2; Side: A; Approx. Time Counter: 59 - 500}

{Tape: 2; Side: B; Approx. Time Counter: 0 - 228}

Closing by Sponsor:

SEN. COONEY concluded the hearing on SB 43 and spoke to the committee that the insurance companies are a private industry and that no one can guarantee insurance rates will go down.

He continued to state that the opponents to SB 43 did not address the cost factor of not wearing a seatbelt; they talked of personal freedoms. **SEN. COONEY** then read a e-mail from a voter about the incident that happened to them.

EXHIBIT(juh54a14)

{Tape: 2; Side: B; Approx. Time Counter: 228 - 300}

REP. PARKER at this time called for a personal point of privilege to address the remarks that Mr. Kuntz made regarding the "stupid questions comment he made."

{Tape: 2; Side: B; Approx. Time Counter: 300 - 311}

HEARING ON SB 114

Sponsor: SEN. JON TESTER, SD 15, BIG SANDY

Opening Statement by Sponsor:

SEN. JON TESTER (D), SD 15, opened the hearing on **SB 114**, Penalty for unauthorized insurance transactions. The SENATOR explained to the committee that SB 114 will prohibit illegitimate health insurance plans.

{Tape: 2; Side: B; Approx. Time Counter: 311 - 331}

Proponents' Testimony:

Alicia Pichette, State Auditor's Office, rose in support of SB 114 and spoke to the committee about the health plans that are sold and that are "too good to be true." **Ms. Pichette** also spoke to the possibility of an amendment for Page 4, Section 5, SUBSECTION 3.

EXHIBIT(juh54a15)

{Tape: 2; Side: B; Approx. Time Counter: 331 - 491}

John Shontz, Lee Newspapers, rose in support of SB 114 and informed the committee about the newspaper advertisements that advertise for fraudulent insurances.

EXHIBIT(juh54a16)

EXHIBIT(juh54a17)

EXHIBIT(juh54a18)

{Tape: 2; Side: B; Approx. Time Counter: 491 - 500}

Del Lundquist, American Association of Retired Persons (AARP), rose in support of SB 114.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 24}

Boyce Fowler, American Association of Retired Persons, stood in support of SB 114.

{Tape: 3; Side: A; Approx. Time Counter: 24 - 35}

Jani McCall, Deaconess Billings Clinic, rose in support of SB 114.

{Tape: 3; Side: A; Approx. Time Counter: 35 - 41}

Opponents' Testimony:

Bruce Spencer, Montana Automobile Dealers Association, rose to oppose SB 114 and also spoke for: **Jacqueline Lenmark-American Insurance Association, American Council of Life Insurance, Frank Cote, Dwight Easton-Farmers Insurance, Larry Kibbee-Property Casualty Insurance** who are all opposed to SB 114 and would like an amendment to clarify Section 4. With this amendment, these opponents would be proponents.

Informational Testimony: None

Questions from Committee Members and Responses:

REP. HARRIS spoke with Ms. Pichette about the misdemeanor language that referenced the \$1,000 threshold and the securities fraud language. **Ms. Pichette** referred the question to Ms. Cross Guns from the State Auditors Office. **Ms. Cross Guns** explained that the Securities Code deals with more of a person's "life savings," while the Insurance Code deals with the various insurance plans that may be offered. **REP. HARRIS** was interested in higher penalties for Insurance Code frauds to be included within the language of SB 114.

REP. STOKER proceeded to question Ms. Pichette about the issuance of licenses for insurance agents and if the numbers on the licenses could be used for tracking the agents when they participate in fraudulent advertisements, etc.

REP. SONJU spoke with the sponsor of SB 114, **SEN. TESTER**, about the amendment that has been offered and if the SENATOR supports this amendment. **SEN. TESTER** replied that he had just received the information one hour ago; but if the State Auditors Office was amenable to the amendment, then he would be also.

REP. NOENNIG directed his questions to Ms. Cross Guns in reference to Page 2, Line 13, Page 3, Line 10, Page 5, Line 16 with regard to the transacting of insurance without a license. **Ms. Cross Guns** replied that the cases that prosecutors prosecute are "fact bound" and that either way are able to be prosecuted.

REP. NOENNIG continued with the concept of charging for theft and for deceptive practices; i.e., two charges. **Ms. Cross Guns** responded that fraud is difficult to prove due to the fact that many of the victims are reluctant to admit that they have been "duped."

REP. HARRIS pressed on with questions for Ms. Cross Guns. He referenced Page 2, Lines 12-13, "commits theft" re: 45-6-301, and that a charge could be made for both offenses (theft and fraud) re: 45-6-317. **Ms. Cross Guns** replied, "Yes, that would allow you to 'stack' the offenses."

{Tape: 3; Side: A; Approx. Time Counter: 41 - 323}

Closing by Sponsor:

SEN. TESTER closed the hearing on SB 114 and stated that this bill was originally heard in House Business and Labor but would like House Judiciary to "fix" the bill.

{Tape: 3; Side: A; Approx. Time Counter: 323 - 335}

HEARING ON SB 264

Sponsor: **SEN. FRANK SMITH, SD 16, POPLAR**

Opening Statement by Sponsor:

SEN. FRANK SMITH (D), SD 16, opened the hearing on **SB 264**, Prohibit arrest quotas for peace officers and informed the committee members that the amendment must stay in the bill.

{Tape: 3; Side: A; Approx. Time Counter: 335 - 350}

Proponents' Testimony:

Pam Bucy, Assistant Attorney General, rose in support of SB 264 and informed the committee members that the current curriculum at the Law Enforcement Training Academy specifies and teaches the cadets how to not "do profiling." **Ms. Bucy** also stated that this is a "solution looking for a problem."

{Tape: 3; Side: A; Approx. Time Counter: 350 - 400}

Jim Kembel, Montana Association of Chiefs of Police, rose in support of SB 264.

{Tape: 3; Side: A; Approx. Time Counter: 400 - 404}

Paul Grimstad, Colonel, Montana Highway Patrol, stated that he would support SB 264 with the amendment and that the MHP does not use the quota-system.

EXHIBIT(juh54a19)

{Tape: 3; Side: A; Approx. Time Counter: 404 - 422}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. NOONAN began the question portion of SB 264. The REPRESENTATIVE was interested in the matter of perception and that if this bill were to pass would this imply that there is a problem that needs to be fixed. **Ms. Bucy** replied that law enforcement is in a tough situation regarding perception.

REP. MCGILLVRAY queried **SEN. SMITH** why this bill was necessary to bring forward. The SENATOR replied that this would be making a political statement requested by someone and that quotas do occur in small towns. **SEN. SMITH** refused to say what towns do the quota-system.

{Tape: 3; Side: A; Approx. Time Counter: 422 - 496}

Closing by Sponsor:

SEN. SMITH closed the hearing on SB 264.

{Tape: 3; Side: A; Approx. Time Counter: 496 - 500}

HEARING ON SB 279

Sponsor: **SEN. LYNDA MOSS, SD 26, BILLINGS**

Opening Statement by Sponsor:

SEN. LYNDA MOSS (D), SD 26, opened the hearing on **SB 279**, Revise municipal infractions. The SENATOR spoke to the committee members about this bill being a bill of proportionality and to create a more efficient way for dealing with high frequency traffic offenses.

SEN. MOSS stated that the Municipal Courts are overwhelmed and that SB 279 would allow violators to pay fines for municipal infractions. She informed the committee that SB 279 passed unanimously out of "committee" and off the Senate Floor.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 62}

Proponents' Testimony:

Jani McCall, City of Billings, rose in support of SB 279. **Ms. McCall** stated that SB 279 was brought at the request of the City of Billings and that this bill would accomplish the decriminalization of basic infractions to a monetary fine only.

EXHIBIT(juh54a20)

{Tape: 3; Side: B; Approx. Time Counter: 62 - 114}

Joe Mazurek, City of Great Falls, rose in support and stated that SB 279 would allow the local courts the ability to accept fines from individuals for minor infractions. He stated that it would be a convenience for all, the city courts and the individuals. **Mr. Mazurek** stated that SB 279 will not impact State money and will not impact the right to a jury trial if one is requested.

{Tape: 3; Side: B; Approx. Time Counter: 114 - 158}

Opponents' Testimony: None

Informational Testimony:

Mike Fellows, Montana Libertarian Party, who rose and stated, "...if you want fewer crimes, then pass fewer laws."

{Tape: 3; Side: B; Approx. Time Counter: 158 - 170}

Questions from Committee Members and Responses:

REP. HARRIS questioned Mr. Mazurek about the "creeping" decriminalization with SB 279, and that this bill and/or amendment is taking the infractions from criminal court to civil authority. **Mr. Mazurek** responded that the ordinance still provides for case law and would just provide a way to pay those fines as long as someone's freedom is not in jeopardy.

REP. HARRIS continued questioning Mr. Mazurek about the due process and if rights would be exempted. **Mr. Mazurek** stated that cities are doing this right now and this bill is just about convenience.

REP. STOKER was interested in what type of offenses would qualify for the expedited manner of paying a fine. **Mr. Mazurek** counseled the REPRESENTATIVE to look in the traffic codes; some of the reasons would be dogs at large, expired plates or anything where the fine is less than \$300.

REP. NOENNIG was interested in the burden of proof issue and the forfeiture of bonds. **Mr. Mazurek** replied that this bill would encourage more people to pay the fines.

{Tape: 3; Side: B; Approx. Time Counter: 170 - 366}

Closing by Sponsor:

SEN. MOSS closed the hearing on SB 279 and stated that this bill is a tool for local governments to serve the people more efficiently.

{Tape: 3; Side: B; Approx. Time Counter: 366 - 380}

HEARING ON SB 200

Sponsor: SEN. MICHAEL WHEAT, SD 32, BOZEMAN

Opening Statement by Sponsor:

SEN. MIKE WHEAT (D), SD 32, opened the hearing on **SB 200**, Revise appointment and term of chief water judge and water court location. The **SENATOR** spoke to the committee and explained that presently the water judge is appointed by the Chief Justice of the Montana Supreme Court. With SB 200, the water judge would be appointed by the Governor of Montana, as per all the other judges in the State.

{Tape: 3; Side: B; Approx. Time Counter: 380 - 435}

Proponents' Testimony: None

Opponents' Testimony:

John Bloomquist, Montana Stockgrowers Association, Water Adjudication Advisory Council, rose in opposition and asked, "...why do we need to do?" **Mr. Bloomquist** stated that there is no reason to interject the Governor's politics.

{Tape: 3; Side: B; Approx. Time Counter: 435 - 500}

Mike Murphy, Montana Water Resources, rose in opposition to SB 200 and stated that this bill has the potential to become a political appointment.

{Tape: 4; Side: A; Approx. Time Counter: 0 - 16}

John Youngberg, Montana Farmers Association, rose in opposition to SB 200 and also stated that this could become a partisan appointment.

{Tape: 4; Side: A; Approx. Time Counter: 16 - 26}

Informational Testimony:

Bruce Loble, Chief Water Judge, informed the committee that he would be available for questions.

{Tape: 4; Side: A; Approx. Time Counter: 26 - 31}

Questions from Committee Members and Responses:

REP. CLARK began by questioning the sponsor, **SEN. WHEAT**, about the interim committee and wasn't this issue addressed then. **SEN. WHEAT** stated, "...yes, this was addressed; however, nothing happened."

They continued to discuss the issues that SB 200 would address regarding the Governor's appointment and the involvement of the Department of Natural Resources and Department of Environmental Quality.

REP. HARRIS questioned Mr. Bloomquist about the alignment of appointments of all the other judges in Montana and why the Water Judge is presently not appointed by the Governor. **Mr. Bloomquist** stated that the Water Judge presides over a Court of Exclusion, with limited jurisdiction and is a specialized court and originally wanted that court to stay as "a-political" as possible, therefore the Supreme Court was chosen for the appointment responsibilities.

REP. HARRIS continued to state that the Federal system appoints judges with limited jurisdiction and there is nothing wrong with the Executive Branch of appointments. **Mr. Bloomquist** reiterated that it has the potential to get political.

REP. KOOPMAN queried Mr. Murphy about the importance of consistency with judges and he was concerned with the possibility of hampering any efforts the Water Court is making currently to move forward. The REPRESENTATIVE questioned is the Supreme Court of Montana any less political than the Governor; with **Mr. Murphy's** response being, "...that the [Montana] Supreme Court is more political than the Governor."

REP. NOENNIG spoke with Judge Loble about what the Water Court entails, how many other Water Judges report to him and what their jurisdictional boundaries are. **Judge Loble** replied that there are four other District Water Judges that report to him and that the bulk of the adjudication is handled by the six Master Water Judges.

REP. DRISCOLL questioned Judge Loble about the length of time he had served. **Judge Loble** replied that he had served as a chief water judge for 15 years.

REP. NOONAN questioned SEN. WHEAT about the problems relating to if there is a burden on the Supreme Court to the appointment of these judges. **SEN. WHEAT** replied that the Legislature would be involved if SB 200 were to pass.

REP. WARD continued to ask why, of SEN. WHEAT, the Legislature or Governor needs to be involved in this matter; with SEN. WHEAT's response that this is just about the appointment of judges and that all the other judges in the State are appointed by the Governor.

REP. RICE asked Judge Loble about the consistency issue. **Judge Loble** replied that consistency is very important; his rulings have never been reversed by the Montana Supreme Court with over 15,000 decisions submitted that apply to all across the state.
{Tape: 4; Side: A; Approx. Time Counter: 31 - 467}

Closing by Sponsor:

SEN. WHEAT concluded the hearing on SB 200 and stated, "...this is not about getting rid of presiding Judge Loble, it is about consistency with the appointments of Judges in the State of Montana."

{Tape: 4; Side: A; Approx. Time Counter: 467 - 490}

ADJOURNMENT

Adjournment: 11:57 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh54aad0.TIF](#))